

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Julie Straub, David Altreuter, Howard Bernstein, Donald E. Chickering, III,
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Serial No.: 10/053,929 Group Art Unit: 1613

Filed: January 22, 2002 Examiner: Blessing M. Fubara

For: *POROUS DRUG MATRICES AND METHODS OF MANUFACTURE THEREOF*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF TERMINAL DISCLAIMER

Sir:

Responsive to the telephone conference with the Examiner on October 6, 2010,
Applicants hereby submit a Terminal Disclaimer and three (3) Statements under 37 C.F.R. § 3.73
(b). The Commissioner is hereby authorized to charge \$140, the fee for a Statutory Disclaimer
for a large entity, to Deposit Account No. 50-3129. It is believed that no additional fee is
required with this submission. However, should a fee be required, the Commissioner is hereby
authorized to charge the fee to Deposit Account No. 50-3129.

U.S.S.N. 10/053,929

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Remarks

In its decision mailed August 20, 2010, the Board of Patent Appeals and Interferences reversed the only rejection of the claims, *i.e.* the rejection of claims 16-21 and 34 under 35 U.S.C. § 103(a) over U.S. Patent Application Publication 2001/0018072 to Unger (“Unger”).

During a telephone conference on October 6, 2010 between the Examiner and Applicants’ representative, the Examiner indicated that this application would be allowed if a Terminal Disclaimer to U.S. Patent No. 6,589,557 to Straub, *et al.* and U.S. Reissued Patent No. RE40,493 to Straub, *et al.* was filed. In response, and solely to facilitate prosecution, Applicants submit a terminal disclaimer to U.S. Patent No. 6,589,557 to Straub, *et al.* and U.S. Reissued Patent No. RE40,493 to Straub, *et al.*

Allowance of claims 16-21 and 34 is respectfully solicited.

Respectfully submitted,

/Rivka D. Monheit/
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Date: October 11, 2010

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